IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 7970 of 2005

Between:

M/s.Jagadamba Group of Theatres, Visakhapatnam, rep.by its Proprietor, V.B.Chalam, S/o.V.V.Naidu, Visakhapatnam.

... PETITIONER

AND

1 The Commissioner, Municipal Corporation of Visakhapatnam, Visakhapatnam.
2 The City Planner, Visakhapatnam, Municipal Corporation, Visakhapatnam.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court MAY be pleased to issue a writ order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in removing the Advertisements / Hoardings in the Visakhapatnam Municipal Corporation, without issuing any notice or opportunity to the petitioner and contrary to the provisions of Municipal Corporation Act as illegal arbitrary and without Jurisdiction and further direct the respondents not to remove any Advertisements or Hoarding contrary to the provisions of the Act and also direct the respondents permit the petitioner to re-erect the Advertisements and Hoardings which were already removed.

Counsel for the Petitioner: MR.RAMA RAO MAVIDI

Counsel for the Respondents: MR.N.RANGA REDDY (SC FOR MNICIPAL CROP. VSP.)

The Court at the stage of admission made the following:

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ORDER:

This writ petition is filed seeking a declaration that the action of the respondents in removing the advertisements / hoardings in the Visakhapatnam Municipal Corporation without issuing any notice or opportunity to the petitioner as arbitrary and illegal.

It is stated that the petitioner group of theatres were constructed in the year 1980 and 1985 and from that date onwards they have been exhibiting the films in the theatre by obtaining licence under the provisions of the A.P. Cinema Regulation Act, 1955. It is also stated that they have erected hoardings / advertisement boards in the Visakhapatnam city after obtaining the necessary permission from the competent authority and that they have been paying the advertisement tax regularly. It is alleged that from 7-4-2005 onwards the respondent authorities have stared removing the advertisement boards under the guise of the beautification of the city. Aggrieved by the said action of the respondents, this writ petition is filed contending that the impugned action is arbitrary, illegal and contrary to the provisions of Section 421 of the Hyderabad Municipal Corporation Act, 1955. It is alleged that the respondents have not issued any notice to the petitioner as contemplated under the Statute and they have been proceeding with the removal of hoardings highhandedly.

I have heard the learned Counsel for the petitioner and Sri N.Ranga Reddy the learned Standing Counsel appearing for the respondent Corporation.

The learned Standing Counsel appearing for the respondents across the bar states that the respondents will follow due process of law as prescribed under the Hyderabad Municipal Corporation Act, 1955 before taking any further steps.

Accordingly, the writ petition is disposed of with a direction to the respondents not to remove the Advertisements/Hoardings belonging to the petitioner group of theaters

without following due process of law. No order as to costs.

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G. ROHINI, J

Dated: 08-04-2005

LSK

ASSISTANT REGISTRAR

To

1 The Commissioner, Municipal Corporation of Visakhapatnam, Visakhapatnam.
2 The City Planner, Visakhapatnam, Municipal Corporation, Visakhapatnam.

3 Two C.D. copies.